

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 PAMELA A. BAUGHER,

8 Plaintiff,

9 v.

10 KADLEC HEALTH SYSTEM dba  
11 REGIONAL MEDICAL CENTER,

12 Defendant.

NO: 4:18-CV-5123-TOR

ORDER DENYING PLAINTIFF'S  
MOTION TO REOPEN

13 BEFORE THE COURT is Plaintiff's Motion to Reopen Case (ECF No. 10).  
14 The motion was submitted for consideration without oral argument. The Court has  
15 reviewed the motion and the record therein, and is fully informed.

16 Pursuant to Federal Rule of Civil Procedure 60(b), a party may move the  
17 court to relieve the party from a final judgment, order, or proceeding based on  
18 several delineated reasons, including mistake, newly discovered evidence, and  
19 fraud on the court. Plaintiff moves the Court to reopen the case and enter an  
20 injunction against Defendant Kadlec based on events that recently took place. ECF

No. 10 at 2. Rule 60 does not allow the Court to reopen based on the existence of a new claim that is independent from the original claims. *Jones v. Ryan*, 733 F.3d 825, 836 (9th Cir. 2013) (“new claims cannot be asserted under the format of a Rule 60(b) motion, and instead Rule 60(b) is properly applied when there is some problem going to the integrity of the court process on the claims that were previously asserted.”). Rather, Plaintiff would have to file a new suit in order to assert the new claims. For this reason, the Court denies Plaintiff’s Motion to Reopen Case (ECF No. 10). Plaintiff’s Request to Withdraw the Complaint (ECF No. 16) is thus, denied as moot.

**ACCORDINGLY, IT IS HEREBY ORDERED:**

1. Plaintiff’s Motion to Reopen Case (ECF No. 10) is **DENIED**.
2. Plaintiff’s Request to Withdraw without Prejudice the Complaint (ECF No. 16) is **DENIED** as moot.
3. The file shall remain **CLOSED**.

The District Court Executive is hereby directed to **enter** this Order and **furnish** copies to the parties.

**DATED** September 27, 2018.



*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge